

**New Law Makes Significant Change to Notary Form**  
by Christopher C. Melcher

No documents notarized after January 1, 2008, will be accepted for recording unless the certificate of acknowledgment complies with amended Civil Code Section 1189. The new law changes California's form of acknowledgment. It requires the notary public to certify under penalty of perjury that he or she obtained "satisfactory evidence" that the person signing the document is the person described therein (eliminating the ability of the notary to confirm a person's identity by stating that the person is "personally known" to the notary).

Family law practitioners should update the form acknowledgment used for deeds, judgments, and premarital agreements to ensure compliance with the new law. The law was amended to combat real estate fraud which was being perpetrated with the assistance of rogue notaries. A civil penalty of up to \$10,000 may be assessed if the notary public makes a willfully false certificate of acknowledgment.

Certificate of Acknowledgment

State of California  
County of \_\_\_\_\_

On before me, (name and title of the officer), personally appeared (person(s) executing instrument), who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)